

Fourth Called Session, Forty-third Legislature; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

SENT TO THE GOVERNOR

June 3, 1941

House Bill No. 983.

House Concurrent Resolution No. 191.

EIGHTY-FOURTH DAY

(Wednesday, June 4, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Dickson of Bexar
Allison	Dickson of Nolan
Alsup	Donald
Avant	Dove
Bailey	Duckett
Baker	Dwyer
Bean	Ellis
Bell	Eubank
Benton	Evans
Blankenship	Favors
Boone	Ferguson
Brawner	Files
Bridgers	Fitzgerald
Brown	Fuchs
Bruhl	Gandy
Bullock	Garland
Bundy	Gilmer
Burkett	Goodman
Burnaman	Halsey
Carlton	Hanna
Carrington	Hardeman
Cato	Hargis
Celaya	Harris of Dallas
Chambers	Harris of Hill
Clark	Hartzog
Cleveland	Heflin
Coker	Helpinstill
Colson, Mrs.	Henderson
Connelly	Hileman
Craig	Hobbs
Crossley	Howard
Crosthwait	Howington
Daniel	Hoyo
Davis	Huddleston
Deen	Hughes

Humphrey	Murray
Hutchinson	Pace
Isaacks	Parker
Jones	Pevehouse
Kelly	Phillips
Kennedy	Price
Kinard	Rampy
King	Reed of Bowie
Klingeman	Reed of Dallas
Knight	Ridgeway
Lansberry	Rhodes
Lehman	Roark
Leyendecker	Roberts
Little	Senterfitt
Lock	Shell
Love	Simpson
Lowry	Skiles
Lucas	Smith of Bastrop
Lyle	Smith of Atascosa
McAlister	Spacek
McCann	Spangler
McDonald	Stanford
McGlasson	Stinson
McLellan	Stubbs
McMurry	Taylor
McNamara	Thornton
Manford	Turner
Manning	Vale
Markle	Voigt
Martin	Walters
Matthews	Wattner
Montgomery	Weatherford
Moore	White
Morgan	Whitesides
Morris	Winfree

Absent

Sallas

Absent—Excused

Allen	Mills
Bray	Morse
Huffman	Nicholson
Kersey	Sharpe

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our heavenly Father, it is by Thy grace and goodness to us that we are spared in life and activity. May our minds and our hearts be open to Thy presence, and help us to know that Thou art God and beside Thee there is no other. Lord, use us for purposes of Thine own choosing in these remaining days, and give us stability and discretion. In Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Kersey for today on motion of Mr. Carlton.

Mr. Allen for today on motion of Mr. Markle.

Mr. Sharpe for today on motion of Mr. Roark.

The following Member was granted leave of absence on account of illness:

Mr. Morse for today on motion of Mr. Little.

## BILL ORDERED NOT PRINTED

On motion of Mr. Carrington, Senate Bill No. 103 was ordered not printed.

## RELATIVE TO RESOLUTION PERIOD

Mr. Blankenship moved that the House dispense with the consideration of resolutions at this time.

The motion was lost.

## RELATIVE TO EXPENSE ACCOUNTS OF MEMBERS

Mr. Burkett offered the following resolution:

H. S. R. No. 322, Relative to expense accounts of Members of the House.

Be It Resolved, by the House of Representatives, That after the adjournment of the Regular Session of the Forty-seventh Legislature, the Chairman of the Committee on Contingent Expense be authorized and directed to furnish to Members of the House stamps, stationery and other supplies on written requisitions by the Members, and to pay telephone or telegraph tolls for any Member if said telephone or telegraph tolls are filed in Austin and if said telephone or telegraph tolls are for State's business only. It is expressly provided that in no event shall this additional Contingent Ex-

pense exceed \$20.00 (twenty dollars) for each member.

BURKETT,  
HOWINGTON.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—69

Allison	Hoyo
Avant	Hughes
Baker	Jones
Benton	Kinard
Brawner	Lansberry
Brown	Leyendecker
Bruhl	Love
Bundy	Lowry
Burkett	Lyle
Burnaman	McCann
Cato	McDonald
Celaya	McMurry
Coker	Manning
Connelly	Martin
Crossley	Matthews
Crothwait	Montgomery
Daniel	Moore
Davis	Morgan
Dickson of Bexar	Pevehouse
Dickson of Nolan	Phillips
Dove	Price
Duckett	Rampy
Dwyer	Ridgeway
Evans	Roark
Favors	Senterfitt
Ferguson	Skiles
Files	Spacek
Gandy	Spangler
Garland	Turner
Hargis	Vale
Harris of Hill	Walters
Helpinstill	White
Hobbs	Whitesides
Howard	Winfree
Howington	

## Nays—48

Alsup	Deen
Bray	Ellis
Bell	Eubank
Bridgers	Fitzgerald
Bullock	Fuchs
Carlton	Halsey
Carrington	Hardeman
Clark	Hanna
Craig	Heflin

Hileman	Morris
Humphrey	Murray
Hutchinson	Pace
Isaacks	Parker
Kennedy	Reed of Bowie
King	Reed of Dallas
Klingeman	Rhodes
Knight	Roberts
Lehman	Simpson
Lock	Smith of Bastrop
Lucas	Smith of Atascosa
McAlister	Stubbs
McGlasson	Taylor
McNamara	Thornton
Markle	Voigt

Present—Not Voting

Manford

Absent

Bailey	Henderson
Bean	Huddleston
Blankenship -	Kelly
Boone	Little
Chambers	McLellan
Cleveland	Sallas
Colson, Mrs.	Shell
Donald	Stanford
Gilmer	Stinson
Goodman	Wattner
Harris of Dallas	Weatherford
Hartzog	

Absent—Excused

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

Mr. Burkett moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### RELATIVE TO PURCHASE OF NEW DESKS AND CHAIRS FOR THE HALL OF THE HOUSE

Mr. Skiles offered the following resolution:

H. S. R. No. 323, Relative to purchasing of new desks and chairs for the Hall of the House.

Whereas, The Texas Prison System and the National Youth Administration have submitted model desks for the approval of the House of Representatives; and

Whereas, Both desks were excellent models and revealed unusually good workmanship; and

Whereas, The membership of the House of Representatives seems to prefer the individual type desk; now, therefore, be it

Resolved by the House of Representatives, That the Committee heretofore appointed under the authority of H. S. R. No. 27 be, and it is hereby, directed and empowered to make the necessary arrangements with the Texas Prison System and/or the National Youth Administration for the furnishing of desks and chairs in the hall of the House; and be it further

Resolved, That said Committee order an individual style desk preferably made from Golden Oak or some other suitable Texas wood, and that the agency offering the best contract on this proposition be given the contract on a cost of material basis; and be it further

Resolved, That the Committee on Contingent Expense be, and it is hereby empowered to expend the necessary funds for the purchase of all necessary material needed by the agency so selected; and be it further

Resolved, That the Committee on Contingent Expense be, and it is, hereby empowered to dispose of the present desks and chairs, and in so doing said Committee shall give preference to the present Members of the House who might want their own desk and chair.

SKILES,  
ALSUP,  
BEAN,  
BULLOCK,  
WATTNER.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost by the following vote:

Yeas—53

Allison	Boone
Alsup	Bray
Bean	Brawner
Bell	Bridgers

Brown	Little
Bruhl	Love
Burnaman	Lowry
Carrington	Lyle
Celaya	McAlister
Cleveland	McCann
Craig	McGlasson
Crosthwait	McMurry
Daniel	Manford
Dove	Manning
Evans	Markle
Favors	Morris
Fitzgerald	Phillips
Gilmer	Ridgeway
Hargis	Roark
Harris of Hill	Senterfitt
Hartzog	Shell
Hobbs	Skiles
Isaacks	Taylor
Kelly	Thornton
Kinard	Wattner
Klingeman	Whitesides
Leyendecker	

## Nays—77

Avant	Huddleston
Bailey	Hughes
Baker	Humphrey
Benton	Hutchinson
Bullock	Jones
Bundy	Kennedy
Burkett	King
Carlton	Knight
Cato	Lansberry
Chambers	Lehman
Clark	Lock
Coker	Lucas
Connelly	McDonald
Crossley	McLellan
Davis	McNamara
Deen	Martin
Dickson of Bexar	Matthews
Dickson of Nolan	Montgomery
Donald	Moore
Duckett	Murray
Dwyer	Pace
Ellis	Parker
Eubank	Pevehouse
Ferguson	Price
Files	Rampy
Fuchs	Reed of Bowie
Gandy	Reed of Dallas
Garland	Rhodes
Halsey	Roberts
Hanna	Simpson
Harris of Dallas	Smith of Bastrop
Helpinstill	Smith of Atascosa
Henderson	Spacek
Hileman	Spangler
Howard	Stinson
Howington	Stubbs
Hoyo	Turner

Voigt	Winfree
Walters	
Absent	
Blankenship	Sallas
Colson, Mrs.	Stanford
Goodman	Vale
Hardeman	Weatherford
Heflin	White
Morgan	

## Absent—Excused

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

Mr. Stinson moved to reconsider the vote by which the resolution was lost and to table the motion to reconsider.

The motion to table was lost.

Mr. Hartzog raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

RELATIVE TO OIL ALLOWABLES  
IN THE STATE OF TEXAS

Mr. Bell offered the following resolution:

H. S. R. No. 324, Relative to oil allowables in the State of Texas.

Whereas, The Railroad Commission of the State of Texas commenced a policy in 1939 of fixing the allowables for the State of Texas within the estimates of the Bureau of Mines, which policy has continued monthly to this time; and

Whereas, Other states disregarding the estimates of the Bureau of Mines have fixed their allowables based upon their own judgment as to market demands for such states; and

Whereas, The aforesaid practices have resulted in the State of Texas losing a portion of its market; and as a result thereof the allowables in the State of Texas have been reduced and the allowable in other oil producing states have been increased;

Now, Therefore, Be it Resolved by the House of Representatives of

Texas That this House respectfully petition and request the Railroad Commission of this State to give its careful attention and consideration of the methods of fixing allowables by the other oil producing states and the effect thereof on its markets;

Be It Further Resolved, That this Legislature recommend to the Railroad Commission of the State of Texas that it increase its allowables in this State in order that its oil fields may be given their fair share of production.

BELL,  
MORRIS.

The resolution was read second time.

Mr. Hardeman moved that the resolution be referred to the Committee on Oil, Gas and Mining.

Mr. Bell moved to table the motion to refer.

The motion to table was lost.

Mr. Morris moved as a substitute motion that the resolution be referred to the Committee on State Affairs.

On motion of Mr. Craig the substitute motion was tabled.

Question then recurring on the motion to refer the resolution to the Committee on Oil, Gas and Mining, it prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, June 4, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House Amendments to Senate Bill 119 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on part of the Senate:

Senators Van Zandt, Beck, Brownlee, Kelly, Formby.

The Senate has refused to concur in House Amendments to Senate Concurrent Resolution No. 66 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Moffett, Aikin, Isbell, Lemens, Lanning.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Joint Resolution No. 23.

The following have been appointed on the part of the Senate:

Senators Moffett, Isbell, Aikin, Lemens, Lanning.

#### Passed

S. B. No. 492, A bill to be entitled "An Act providing for and fixing compensation for County Auditors in certain counties, etc.; and declaring an emergency."

S. B. No. 493, A bill to be entitled "An Act authorizing the allowance of traveling expenses for members of the Commissioners' Court in certain counties; and declaring an emergency."

S. B. No. 183, A bill to be entitled "An Act declaring the floods of Colorado County, Texas, to be a public calamity, etc., and declaring an emergency."

S. B. No. 489, A bill to be entitled "An Act declaring the floods of Jackson County, Texas, to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half of the State ad valorem taxes collected in Jackson County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the Assessor and Collector of Texas, etc.; and declaring an emergency."

S. B. No. 486, A bill to be entitled "An Act amending Section 1, of Chapter 196, General Laws, 43rd Legislature, Regular Session, by adding thereto a subsection to follow subsection (5), and to be known as subsection (6); etc., and declaring an emergency."

S. B. No. 494, A bill to be entitled "An Act amending Article 1738 of the Revised Civil Statutes of 1925, providing for the transfer by the Supreme Court of cases from one

Court of Civil Appeals to another; and declaring an emergency."

The Senate has refused to concur in House amendments to Senate Bill No. 38 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Fain, Smith, Vick, Martin, and Isbell.

The Senate has refused to concur in House amendments to Senate Bill No. 22 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Moore, Graves, Spears, Fain, and Weinert.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### REQUESTS OF SENATE GRANTED

On motion of Mr. Stanford the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 119.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 119:

Messrs. Stanford, McGlasson, Coker, Lock, and Crosthwait.

On motion of Mr. Ridgeway, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 22.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 22:

Messrs. Stinson, Hanna, Hoyo, Dwyer and Ridgeway.

#### EXPRESSING APPRECIATION OF THE HOUSE TO HONORABLE READ GRANBERRY

Mr. McMurry offered the following resolution:

H. S. R. No. 326, Expressing Appreciation of the House to Honorable Read Granberry.

Whereas, The House of Representatives has during the long session, which is now drawing to a close, enjoyed the services of one of the ablest parliamentarians of any deliberative body in the person of the Honorable Read Granberry; and

Whereas, The Honorable Read Granberry has enjoyed a longer service in various capacities in the House of Representatives than any Member of this House, said service beginning in the year 1909 when he became a Page in the House of Representatives of the 31st Legislature and served in the capacity of Page through the 31st and 32nd Legislatures, and in the 33rd Legislature he served as Page to the Speaker of the House of Representatives; and

Whereas, In the year 1915, the Honorable Read Granberry became Parliamentarian of the House of Representatives of the 34th Legislature, being the youngest Parliamentarian in any deliberative body in the United States of America, serving in that capacity from 1915 to 1926 and again in 1931 and 1932, 1937 and 1938, and in 1941, during the sessions of the House of Representatives of the 34th, 35th, 36th, 37th, 38th, 39th, 42nd, 45th, and 47th Legislatures; and

Whereas, For the past several years the Honorable Read Granberry has served in the distinguished capacity of Professor of Electrical Engineering, at the University of Texas; and

Whereas, During the present session of the House of Representatives our able Parliamentarian has served us without any remuneration; now, therefore, be it

Resolved, That the House of Representatives of the 47th Legislature express to our distinguished Parliamentarian, the Honorable Read Granberry, our congratulations and deep appreciation to him for his

very able services to us; and be it further

Resolved, That the Honorable Read Granberry be presented to the House of Representatives with appropriate ceremonies.

McMURRY,  
STINSON,  
GILMER,  
LANSBERRY,  
MORRIS,  
SETERFITT,  
CATO,  
McCANN.

The resolution was read second time.

Signed—Leonard, Speaker, Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McDonald, McGlasson, McLellan, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampsy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spack, Spangler, Stubbbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Ferguson, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

The Speaker presented Honorable Houston McMurry, who presented Read Granberry with a watch.

Mr. Granberry then addressed the House, expressing appreciation for the gift.

(On motion of Mr. Gilmer, the remarks of Mr. Granberry were ordered printed in the Journal.)

#### SENATE BILL NO. 5 ON PASSAGE TO THIRD READING

The Speaker laid before the House, on its passage to third reading,

S. B. No. 5, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years, beginning with the taxable year 1942, one-half of the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated, etc.; and declaring an emergency."

The bill having been read second time.

(Pending consideration of the bill, Mr. McMurry occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Morris offered the following amendment to the bill:

Amend Senate Bill No. 5 by striking out the enacting clause.

MORRIS,  
BRAWNER,  
GILMER.

Mr. Hartzog raised a point of order on further consideration of the amendment by Mr. Morris at this time, on the ground that the amendment is out of order in that a similar amendment has been previously defeated.

The Speaker overruled the point of order on the ground that the bill had been recommitted.

(Mr. Smith of Atascosa in the Chair.)

Mr. Coker moved to table the amendment by Mr. Morris.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—83

Alsup	Hutchinson
Bailey	Jones
Baker	Kinard
Bean	King
Bell	Klingeman
Benton	Knight
Boone	Lehman
Brown	Leyendecker
Bruhl	Little
Bullock	Lock
Bundy	Love
Celaya	Lowry
Chambers	Lucas
Clark	Lyle
Coker	McAlister
Crossley	McGlasson
Crosthwait	McLellan
Daniel	McMurry
Davis	McNamara
Deen	Manning
Dickson of Nolan	Martin
Donald	Matthews
Dove	Murray
Duckett	Pace
Dwyer	Parker
Eubank	Pevehouse
Favors	Rampy
Garland	Roark
Goodman	Shell
Halsey	Simpson
Hargis	Smith of Bastrop
Harris of Hill	Spacek
Hartzog	Stinson
Heflin	Stubbs
Helpinstill	Taylor
Henderson	Thornton
Hileman	Vale
Hobbs	Weatherford
Howard	White
Howington	Whitesides
Hoyo	Winfree
Huddleston	

## Nays—50

Allison	Ellis
Avant	Ferguson
Blankenship	Files
Brawner	Fitzgerald
Bray	Gilmer
Bridgers	Hanna
Burnaman	Hardeman
Carlton	Harris of Dallas
Carrington	Hughes
Cato	Humphrey
Cleveland	Isaacks
Connelly	Kelly
Craig	Kennedy
Dickson of Bexar	Lansberry

McCann	Rhodes
McDonald	Roberts
Manford	Sallas
Markle	Senterfitt
Moore	Skiles
Morgan	Smith of Atascosa
Morris	Stanford
Phillips	Turner
Reed of Bowie	Voigt
Reed of Dallas	Walters
Ridgeway	Wattner

## Absent

Burkett	Gandy
Colson, Mrs.	Montgomery
Evans	Price
Fuchs	Spangler

## Absent—Excused

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

Mr. Morris requested a verification of the vote.

Mr. McGlasson moved to dispense with the verification.

The motion prevailed.

Mr. Taylor offered the following amendment to the bill:

Amend Senate Bill No. 5 by adding a new section to read as follows:

"This Act shall not apply to any county or political subdivision now receiving any part of the State ad valorem tax as a remission under any previous Act of the Legislature. In counties wherein taxes have been donated or granted heretofore to any authority, and which donation and grant is contingent upon an allocation of a Federal grant, and is not yet effective, such donation and grant by the State heretofore made shall take precedence over the provisions of this Act to the extent of any conflict herewith."

Mr. Hileman moved the previous question on the pending amendment and the passage of Senate Bill No. 5 to third reading, and the main question was ordered.

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Taylor, it was adopted.

By unanimous consent of the



House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Question recurring on the passage of Senate Bill No. 5 to third reading, yeas and nays were demanded.

Senate Bill No. 5 was passed to third reading by the following vote:

## Yeas—77

Alsup	Hutchinson
Bailey	Jones
Baker	Kinard
Bell	King
Bray	Klingeman
Brown	Knight
Bruhl	Lehman
Bundy	Little
Celaya	Lock
Chambers	Love
Clark	Lowry
Coker	Lucas
Crossley	McAlister
Crosthwait	McCann
Daniel	McGlasson
Davis	McLellan
Deen	McMurry
Dickson of Nolan	McNamara
Donald	Manning
Dove	Martin
Duckett	Montgomery
Eubank	Pace
Evans	Parker
Favors	Pevehouse
Gandy	Rampy
Garland	Roark
Goodman	Simpson
Halsey	Smith of Bastrop
Hargis	Spacek
Hartzog	Stinson
Heflin	Stubbs
Helpinstill	Taylor
Henderson	Thornton
Hileman	Vale
Hobbs	Weatherford
Howard	White
Howington	Whitesides
Hoyo	Winfree
Huddleston	

## Nays—47

Allison	Carrington
Avant	Cato
Bean	Connelly
Benton	Craig
Blankenship	Dickson of Bexar
Bridgers	Ferguson
Burnaman	Files
Carlton	Fitzgerald

Gilmer	Morris
Hardeman	Murray
Harris of Dallas	Phillips
Harris of Hill	Price
Hughes	Reed of Bowie
Humphrey	Reed of Dallas
Isaacks	Ridgeway
Kelly	Rhodes
Kennedy	Roberts
Lansberry	Senterfitt
McDonald	Smith of Atascosa
Manford	Turner
Markle	Voigt
Matthews	Walters
Moore	Wattner
Morgan	

## Absent

Boone	Hanna
Brawner	Leyendecker
Bullock	Lyle
Burkett	Sallas
Cleveland	Shell
Colson, Mrs.	Skiles
Dwyer	Spangler
Ellis	Stanford
Fuchs	

## Absent—Excused

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

Mr. Bell moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE SENATE  
BILL NO. 5 ON THIRD  
READING

Mr. Bell moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 5 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—78

Alsup	Bundy
Bailey	Celaya
Baker	Chambers
Bell	Clark
Bray	Coker
Brown	Crossley
Bruhl	Crosthwait

Daniel	Little
Davis	Love
Deen	Lowry
Dickson of Nolan	Lucas
Donald	Lyle
Dove	McAlister
Duckett	McCann
Eubank	McGlasson
Evans	McLellan
Favors	McMurry
Gandy	McNamara
Garland	Manford
Goodman	Manning
Halsey	Martin
Hargis	Montgomery
Harris of Hill	Pace
Hartzog	Parker
Heflin	Pevehouse
Helpinstill	Rampy
Henderson	Roark
Hileman	Simpson
Hobbs	Smith of Bastrop
Howard	Spacek
Howington	Stinson
Hoyo	Stubbs
Huddleston	Taylor
Hutchinson	Thornton
Jones	Vale
King	Weatherford
Klingeman	White
Knight	Whitesides
Lehman	Winfree

## Nays—46

Allison	Kelly
Avant	Kennedy
Bean	Lansberry
Benton	Lock
Blankenship	McDonald
Brawner	Markle
Bridgers	Matthews
Burnaman	Moore
Carlton	Morgan
Carrington	Morris
Cato	Murray
Connelly	Phillips
Craig	Reed of Bowie
Dickson of Bexar	Reed of Dallas
Ferguson	Ridgeway
Fitzgerald	Rhodes
Gilmer	Roberts
Hanna	Senterfitt
Hardeman	Smith of Atascosa
Harris of Dallas	Turner
Hughes	Voigt
Humphrey	Walters
Isaacks	Wattner

## Absent

Boone	Cleveland
Bullock	Colson, Mrs.
Burkett	Dwyer

Ellis	Sallas
Files	Shell
Fuchs	Skiles
Kinard	Spangler
Leyendecker	Stanford
Price	

## Absent—Excused

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

## TO SUSPEND JOINT RULES

Mr. Morris offered the following resolution:

H. C. R. No. 205, To suspend Joint Rules to consider House Bill No. 9.

Be it resolved, on the part of the House, the Senate concurring, That the Joint Rules of both Houses be suspended in order that the House may consider House Bill No. 9 on Thursday, June 5, 1941.

MORRIS,

HARRIS of Dallas.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost by the following vote:

## Yeas—57

Allison	Hileman
Bailey	Howington
Bell	Kelly
Benton	Kennedy
Blankenship	Klingeman
Brawner	Knight
Bridgers	Lansberry
Carlton	Lehman
Carrington	Love
Cato	Lucas
Chambers	McDonald
Connelly	McGlasson
Crosthwait	McLellan
Davis	Manning
Deen	Moore
Dickson of Nolan	Morgan
Donald	Morris
Duckett	Murray
Eubank	Pevehouse
Evans	Phillips
Fuchs	Rampy
Hanna	Reed of Dallas
Hardeman	Rhodes
Harris of Dallas	Roark
Harris of Hill	Senterfitt

Simpson  
Spacek  
Stubbs  
Voigt

Wattner  
Weatherford  
Whitesides

## Nays—67

Alsup	Hutchinson
Avant	Isaacks
Baker	Jones
Bean	Kinard
Bray	Little
Brown	Lock
Bruhl	Lowry
Bundy	Lyle
Burnaman	McAlister
Celaya	McCann
Clark	McNamara
Coker	Manford
Colson, Mrs.	Markle
Craig	Martin
Crossley	Matthews
Daniel	Montgomery
Dickson of Bexar	Pace
Dove	Parker
Favors	Price
Ferguson	Reed of Bowie
Gandy	Ridgeway
Garland	Roberts
Goodman	Sallas
Halsey	Skiles
Hargis	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Stinson
Helpinstill	Taylor
Henderson	Turner
Howard	Vale
Hoyo	Walters
Huddleston	White
Hughes	Winfree
Humphrey	

## Absent

Boone	Hobbs
Bullock	King
Burkett	Leyendecker
Cleveland	McMurry
Dwyer	Shell
Ellis	Spangler
Files	Stanford
Fitzgerald	Thornton
Gilmer	

## Absent—Excused

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

Mr. Harris of Dallas requested a verification of the vote.

Mr. Love moved to dispense with the verification.

The motion prevailed.

Mr. Morris requested a verification of the above vote.

Mr. Kennedy moved to dispense with the verification.

The motion prevailed by the following vote:

## Yeas—91

Alsup	Hutchinson
Avant	Jones
Bailey	Kennedy
Baker	Kinard
Bean	King
Bell	Klingeman
Bray	Knight
Bridgers	Lehman
Brown	Little
Bruhl	Love
Bundy	Lowry
Burnaman	Lucas
Celaya	Lyle
Clark	McAlister
Coker	McCann
Colson, Mrs.	McGlasson
Crossley	McLellan
Daniel	McNamara
Deen	Manford
Dickson of Bexar	Manning
Donald	Markle
Dove	Martin
Evans	Matthews
Favors	Montgomery
Ferguson	Morgan
Fuchs	Murray
Gandy	Pace
Garland	Parker
Gilmer	Price
Goodman	Reed of Bowie
Halsey	Ridgeway
Hardeman	Roberts
Hargis	Simpson
Harris of Hill	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Spangler
Helpinstill	Stinson
Henderson	Stubbs
Hileman	Taylor
Hobbs	Thornton
Howard	Turner
Howington	Vale
Hoyo	White
Huddleston	Whitesides
Hughes	Winfree
Humphrey	

## Nays—35

Allison	Carlton
Benton	Carrington
Blankenship	Cato

Chambers	McDonald
Connelly	Moore
Craig	Morris
Crosthwait	Pevehouse
Davis	Phillips
Dickson of Nolan	Rampy
Duckett	Rhodes
Eubank	Roark
Fitzgerald	Senterfitt
Hanna	Spacek
Harris of Dallas	Voigt
Isaacks	Walters
Kelly	Wattner
Lansberry	Weatherford
Lock	

**Absent**

Boone	Leyendecker
Browner	McMurry
Bullock	Reed of Dallas
Burkett	Sallas
Cleveland	Shell
Dwyer	Skiles
Ellis	Stanford
Files	

**Absent—Excused**

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

**SUSPENDING JOINT RULES**

Mr. Carrington offered the following resolution:

H. C. R. No. 203, Suspending Joint Rules to permit the Senate to consider Senate Bill No. 268.

Be it resolved, by the House of Representatives, the Senate of Texas concurring, That Joint Rule No. 21 be and the same is hereby suspended for the purpose of permitting the Senate to consider Senate Bill No. 268 on Wednesday or Thursday, June 4th and 5th, which are House Bill days, or on any other House Bill day during the present Session.

The resolution was read second time and was adopted.

**RELATIVE TO HOUSE BILL NO. 1054**

Mr. Dickson of Bexar was granted unanimous consent of the House to withdraw his name from House Bill No. 1054.

There was no objection.

**MESSAGE FROM THE SENATE**

Austin, Texas, June 3, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 871, A bill to be entitled "An Act granting consent by the State of Texas to Walter Garrison, Burt C. Cromwell and his wife, Lucille Cromwell, their heirs, executors and administrators, to file suit against the State of Texas and/or County of San Patricio and/or State Highway Department of Texas in the District Court of San Patricio County, Texas, etc.; and declaring an emergency." (With amendments.)

H. B. No. 515, A bill to be entitled "An Act applicable to the County of Tom Green, State of Texas, prohibiting the transportation of minnows beyond the borders of said county for the purpose of sale, etc.; and declaring an emergency." (With amendments.)

H. B. No. 965, A bill to be entitled "An Act making it unlawful for any person not a member of the Texas Defense Guard to wear the shoulder patch, the arm brassard, or the collar ornaments duly prescribed as a part of the uniform of said Defense Guard, or any imitation of said articles, etc.; and declaring an emergency." (With amendments.)

H. B. No. 1012, A bill to be entitled "An Act authorizing the commissioners court of certain counties to issue bonds for the purpose of refunding any and all outstanding indebtedness of such county chargeable against the General Fund which existed on April 30, 1941, etc.; and declaring an emergency."

H. B. No. 1049, A bill to be entitled "An Act for the purpose of providing necessary regulations for the taking or possession of fish, or use of fishing tackle or gear, from the body of water impounded by Possum Kingdom Dam, etc.; and declaring an emergency."

H. B. No. 1059, A bill to be entitled "An Act to amend Section 40

of Senate Bill No. 36, Acts of the Forty-sixth Legislature, to provide the effective date for making grants of aid and assistance to the needy blind and for destitute dependent children, etc.; and declaring an emergency."

Adopted

H. C. R. No. 128, Granting W. C. Kulp and B. H. Kulp, composing a partnership operating under the firm name of Kulp Bros., permission to bring suit against the State of Texas." (With amendments.)

H. C. R. No. 185, Authorizing the Enrolling Clerk of the House of Representatives to correct the caption of House Bill No. 922 to conform with the body of the said bill.

H. C. R. No. 190, Authorizing the Enrolling Clerk of the House to make certain corrections in House Bill No. 360.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 183, to the Committee on State Affairs.

S. B. No. 492, to the Committee on Counties.

S. B. No. 493, to the Committee on Counties.

S. B. No. 489, to the Committee on State Affairs.

S. B. No. 486, to the Committee on Education.

S. B. No. 494, to the Committee on Judiciary and Uniform State Laws.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills:

H. B. No. 971, "An Act authorizing cities and towns eligible under the terms of this Act to fund certain

indebtedness outstanding on the effective date of this Act; prescribing the method and procedure for issuance of funding or refunding bonds, and which cities or town cannot derive revenues for general fund operating expenses from any publicly owned utilities at this time; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall not increase the debt burden of any such city or town; providing that this Act shall be cumulative of all other Acts, but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject; and declaring an emergency."

H. B. No. 821, "An Act to amend Rules 36a and 37a of Article 4477 of the Revised Statutes of the State of Texas, relative to the registration of births and deaths, and declaring an emergency."

H. B. No. 620, "An Act amending Section 2 of Chapter 5, Acts, Second Called Session of the Forty-third Legislature, as amended by Chapter 459, Acts, Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

H. B. No. 361, "An Act declaring the floods of Lavaca County, Texas, to be a public calamity; authorizing a donation and grant to Lavaca County Flood Control District of one-half of the State ad valorem taxes collected in Lavaca County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the Assessor and Collector of Texas; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing the procedure hereunder for all matters relating to said donation; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected, and declaring an emergency."

H. B. No. 32, "An Act making it unlawful and a felony for any person to steal any mercury used in a gas meter or measuring device or regulating device, providing for a penalty for violation of the terms of

this Act, providing that it shall be prima facie evidence that mercury has been stolen to have such mercury in one's possession or to transport the same without a bill of sale or, not having a bill of sale, to be otherwise unable to establish title thereto; defining the term 'steal' and providing that such word need not be defined in any indictment for prosecution under the terms of this Act, and providing that the Act shall be cumulative of all laws of the State, and authorizing the prosecution thereunder whether or not the Acts complained of constitute the essential elements of other or different offenses against the penal laws, providing a saving clause and declaring an emergency."

#### HOUSE BILL ON FIRST READING

Mr. Gilmer asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1077.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Gilmer, Mr. Stinson, Mr. Hardeman, Mr. Howard, Mr. Hutchinson, Mr. Klingeman, Mr. Smith of Atascosa, Mr. Lansberry, Mr. Dickson of Bexar, Mr. Price, Mr. Winfree, Mr. Senterfitt, Mr. Isaacks, Mr. Bruhl, Mr. Daniel, Mr. Murray, Mr. Stanford, Mr. Pevehouse, Mr. Markle and Mr. McGlasson:

H. B. No. 1077, A bill to be entitled "An Act amending Article 1738 of the Revised Civil Statutes of 1925, providing for the transfer by the Supreme Court of cases from one Court of Civil Appeals to another; and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

#### RECESS

Mr. Love moved that the House recess until 3:30 o'clock p. m. today.

Mr. Bean moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Reed of Bowie moved that the House recess until 3:00 o'clock p. m. today.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—26

Bailey	Lansberry
Bean	Little
Brawner	McGlasson
Bruhl	McNamara
Carlton	Morgan
Clark	Morris
Craig	Pevehouse
Crossley	Roberts
Crosthwait	Smith of Atascosa
Fitzgerald	Stanford
Harris of Dallas	Thornton
Hutchinson	Weatherford
Klingeman	Whitesides

#### Nays—99

Allison	Harris of Hill
Alsup	Hartzog
Avant	Heflin
Baker	Helpinstill
Bell	Henderson
Benton	Hileman
Blankenship	Hobbs
Bray	Howard
Bridgers	Howington
Brown	Hoyo
Bundy	Huddleston
Burnaman	Hughes
Carrington	Humphrey
Cato	Isaacks
Celaya	Jones
Chambers	Kennedy
Coker	Kinard
Colson, Mrs.	King
Connelly	Knight
Daniel	Lehman
Davis	Lock
Deen	Love
Dickson of Bexar	Lowry
Dickson of Nolan	Lucas
Donald	Lyle
Dove	McAlister
Duckett	McCann
Evans	McDonald
Favors	McLellan
Ferguson	Manford
Fuchs	Manning
Gandy	Markle
Garland	Matthews
Gilmer	Montgomery
Goodman	Moore
Halsey	Murray
Hanna	Pace
Hardeman	Parker
Hargis	Phillips

Price	Spangler
Rampy	Stinson
Reed of Bowie	Stubbs
Reed of Dallas	Taylor
Ridgeway	Turner
Rhodes	Vale
Roark	Walters
Senterfitt	Wattner
Simpson	White
Smith of Bastrop	Winfree
Spacek	

**Absent**

Boone	Kelly
Bullock	Leyendecker
Burkett	McMurry
Cleveland	Martin
Dwyer	Sallas
Ellis	Shell
Eubank	Skiles
Files	Voigt

**Absent—Excused**

Allen	Morse
Huffman	Nicholson
Kersey	Sharpe
Mills	

Question next recurring on the motion to recess until 3:00 o'clock p. m. today, it prevailed, and the House accordingly at 1:05 o'clock p. m. took recess until 3:00 o'clock p. m. today.

**AFTERNOON SESSION**

The House met at 3:00 o'clock p. m. and was called to order by the Speaker.

**LEAVES OF ABSENCE GRANTED**

Mr. Daniel, temporarily for this afternoon on account of illness in family, on motion of Mr. Avant.

Mr. Boone, for this afternoon on account of business, on motion of Mr. Love.

**MESSAGE FROM THE GOVERNOR**

The Speaker laid before the House and had read the following message from the Governor:

June 4th, 1941.

To the Members of the Forty-seventh Legislature:

The War Department at Washington has sent a bill down here which

they want passed which will enable them to carry on the national defense program. The bill has been introduced and is House Bill No. 1073.

I had a long-distance telephone call from the War Department at Washington a few minutes ago stating that they have been advised that certain individuals in this State are opposed to the enactment of this bill, and are using their influence to keep the bill from being passed as originally written.

I think in times of national emergency the State of Texas should co-operate with the War Department in every respect and I heartily recommend that House Bill No. 1073 be passed in its original form as written by the War Department at Washington, and should be passed immediately without any amendments or changes except such amendments as may meet with the approval of the War Department, and I am submitting it as emergency legislation, and urging its immediate enactment.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

**CONSIDERATION OF HOUSE BILL  
NO. 753 WITH OBJECTIONS  
BY THE GOVERNOR**

The Speaker laid before the House, as postponed business, the motion by Mr. McMurry to reconsider the vote by which the House failed to pass House Bill No. 753, notwithstanding the objections of the Governor.

Mr. Love raised a point of order on further consideration of the motion, on the ground that a motion to reconsider is not applicable to a vote to pass a bill notwithstanding the objections of the Governor.

The Speaker overruled the point of order.

Question recurring on the motion to reconsider, it prevailed.

Question: Shall House Bill No. 753 pass notwithstanding the objections of the Governor?

The roll of the House was called and the vote announced as follows: Yeas, 77; nays, 41.

A verification of the vote was requested.

Mr. Love moved a call of the House pending the verification, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

#### Yeas—77

Allen	Howington
Allison	Hughes
Alsup	Humphrey
Bell	Isaacks
Benton	Jones
Brawner	Kelly
Brown	Kennedy
Bruhl	Knight
Bundy	Lansberry
Burnaman	Lehman
Carlton	Leyendecker
Carrington	Lock
Cato	Lyle
Clark	McDonald
Cleveland	McGlasson
Coker	McLellan
Colson, Mrs.	McMurry
Crosthwait	McNamara
Davis	Manning
Dickson of Bexar	Montgomery
Dickson of Nolan	Moore
Dove	Morris
Ellis	Pace
Evans	Pevehouse
Fitzgerald	Phillips
Fuchs	Reed of Bowie
Gandy	Reed of Dallas
Garland	Rhodes
Goodman	Roark
Halsey	Stanford
Hanna	Stinson
Hardeman	Taylor
Hargis	Turner
Harris of Dallas	Vale
Hartzog	Walters
Heflin	Weatherford
Helpinstill	Whitesides
Henderson	Winfree
Hileman	

#### Nays—42

Avant	Craig
Bailey	Crossley
Baker	Deen
Bean	Donald
Burkett	Dwyer
Connelly	Eubank

Favors	Matthews
Ferguson	Murray
Files	Parker
Harris of Hill	Rampy
Hobbs	Ridgeway
Hoyo	Roberts
Hutchinson	Sallas
King	Senterfitt
Klingeman	Smith of Bastrop
Little	Smith of Atascosa
Love	Spacek
Lowry	Stubbs
Lucas	Thornton
Markle	Volgt
Martin	Wattner

#### Present—Not Voting

Simpson

#### Absent

Bray	McAlister
Bridgers	McCann
Bullock	Manford
Celaya	Morgan
Chambers	Price
Duckett	Shell
Gilmer	Skiles
Howard	Spangler
Huddleston	White
Kinard	

#### Absent—Excused

Blankenship	Mills
Boone	Morse
Daniel	Nicholson
Huffman	Sharpe
Kersey	

#### PAIRED

Mr. Simpson (present), who would vote "nay," with Mr. Bullock (absent), who would vote "yea."

The Speaker announced that House Bill No. 753 failed to pass notwithstanding the objections of the Governor, by the above vote (not receiving the necessary two-thirds vote).

#### SENATE BILL NO. 33 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 33, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the 44th Legislature, Regular Session, defining sour gas, and other terms; and declaring an emergency."



The bill was read second time.

Mr. Little moved that Senate Bill No. 33 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—110

Allen	Howington
Allison	Hoyo
Alsup	Huddleston
Bailey	Hughes
Baker	Humphrey
Bean	Hutchinson
Bell	Isaacks
Benton	Jones
Brawner	Kelly
Bray	Kennedy
Bridgers	Kinard
Brown	Knight
Bruhl	Lansberry
Burkett	Lehman
Burnaman	Leyendecker
Carlton	Little
Carrington	Lock
Cato	Love
Celaya	Lowry
Chambers	McAlister
Clark	McCann
Cleveland	McDonald
Colson, Mrs.	McLellan
Connelly	McMurry
Crossley	McNamara
Crosthwait	Manning
Deen	Markle
Dickson of Nolan	Martin
Donald	Matthews
Dove	Montgomery
Duckett	Morris
Dwyer	Murray
Ellis	Pace
Eubank	Parker
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Gandy	Rampy
Garland	Reed of Dallas
Gilmer	Ridgeway
Goodman	Rhodes
Halsey	Roark
Hanna	Roberts
Hargis	Sallas
Harris of Dallas	Senterfitt
Hartzog	Simpson
Heflin	Smith of Bastrop
Henderson	Smith of Atascosa
Hileman	Spacek
Hobbs	Stinson

Stubbs  
Taylor  
Thornton  
Turner  
Vale

Voigt  
Walters  
Wattner  
Whitesides  
Winfree

Nays—18

Avant	King
Bundy	Klingeman
Coker	Lucas
Davis	Lyle
Dickson of Bexar	McGlasson
Evans	Moore
Favors	Morgan
Ferguson	Reed of Bowie
Helpinstill	White

Present—Not Voting

Craig Harris of Hill

Absent

Bullock	Skiles
Hardeman	Spangler
Howard	Stanford
Manford	Weatherford
Shell	

Absent—Excused

Blankenship	Mills
Boone	Morse
Daniel	Nicholson
Huffman	Sharpe
Kersey	

PAIRED

Mr. Craig (present), who would vote "nay," with Mr. Nicholson (absent) who would vote "yea."

MOTION TO SUSPEND HOUSE RULES

Mr. Kennedy moved to suspend the House Rules in order that the sine die resolutions, on the Speaker's stand at this time, be voted on without debate.

The motion was lost.

TO PROVIDE FOR ADJOURNMENT SINE DIE

Mr. Reed of Bowie offered the following resolution:

H. C. R. No. 198, To provide for Adjournment Sine Die.

Be it resolved by the House of Representatives of the Forty-seventh Legislature, the Senate concurring, That the Regular Session of the Forty-seventh Legislature adjourn

sine die on Tuesday, June 10th, at 12 o'clock noon.

REED of Bowie,  
HANNA.

The resolution was read second time.

Mr. McMurry moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Allen	Jones
Allison	Kelly
Alsup	Kinard
Bell	Lansberry
Benton	Lehman
Brawner	Leyendecker
Bridgers	Little
Brown	Love
Bruhl	Lowry
Bundy	Lucas
Carlton	McAlister
Carrington	McGlasson
Cato	McLellan
Chambers	McMurry
Clark	McNamara
Cleveland	Manning
Coker	Markle
Crosthwait	Montgomery
Donald	Moore
Dove	Morris
Duckett	Murray
Dwyer	Pace
Ellis	Phillips
Evans	Rhodes
Fuchs	Roark
Garland	Senterfitt
Hargis	Skiles
Harris of Dallas	Spacek
Harris of Hill	Stanford
Hartzog	Stubbs
Henderson	Thornton
Hobbs	Voigt
Howington	Weatherford
Hughes	White
Hutchinson	Whitesides
Isaacks	Winfree

Nays—59

Avant	Craig
Bailey	Crossley
Baker	Davis
Bean	Deen
Burkett	Dickson of Bexar
Colson, Mrs.	Dickson of Nolan

Eubank	McDonald
Favors	Manford
Ferguson	Martin
Files	Matthews
Fitzgerald	Morgan
Gandy	Parker
Gilmer	Pevehouse
Goodman	Price
Halsey	Rampy
Hanna	Reed of Bowie
Hardeman	Reed of Dallas
Heflin	Ridgeway
Helpinstill	Roberts
Hileman	Sallas
Hoyo	Simpson
Huddleston	Smith of Bastrop
Humphrey	Smith of Atascosa
Kennedy	Stinson
King	Taylor
Klingeman	Turner
Knight	Vale
Lock	Walters
Lyle	Wattner
McCann	

Absent

Bray	Connolly
Bullock	Howard
Burnaman	Shell
Celaya	Spangler

Absent—Excused

Blankenship	Mills
Boone	Morse
Daniel	Nicholson
Huffman	Sharpe
Kersey	

#### TO PROVIDE FOR CERTAIN RECESS PERIOD

Mr. Manning offered the following resolution:

H. C. R. No. 199, To provide for Certain Recess Period.

Be it resolved by the House of Representatives, the Senate concurring, That on Thursday, June 12th, 1941, at twelve o'clock noon, the Legislature do recess during the period from that date and hour until Tuesday, July 15, 1941, at noon, when it shall again convene at the State Capitol;

Be it further resolved, That during said period of recess the Members of the Legislature shall draw no per diem for their services and that all employees of both branches of the Legislature be discharged from service, and that the elective officers of the House and Senate be

allowed no compensation during such recess except such officers and employees as the President of the Senate and the Speaker of the House find necessary to retain.

MANNING,  
ISAACKS,  
BUNDY,  
MANFORD,  
WHITE,  
HARRIS of Hill,  
HALSEY,  
KINARD,  
BURNAMAN,  
EVANS,  
McGLASSON,  
BENTON,  
CARLTON,  
SKILES.

The resolution was read second time.

Mr. Hughes moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—71

Alsup	Hoyo
Avant	Huddleston
Bailey	Hughes
Baker	Humphrey
Bean	Hutchinson
Bridgers	Kennedy
Burkett	King
Carrington	Klingeman
Chambers	Knight
Clark	Lehman
Craig	Little
Crossley	Love
Crosthwait	Lowry
Daniel	Lucas
Davis	Lyle
Dickson of Nolan	McLellan
Donald	McMurry
Favors	McNamara
Ferguson	Markle
Fitzgerald	Matthews
Gandy	Montgomery
Gilmer	Murray
Goodman	Pace
Hanna	Parker
Helpinstill	Pevehouse
Henderson	Price
Hileman	Rampy
Hobbs	Reed of Bowie
Howington	Reed of Dallas

41—Jour.

Ridgeway  
Rhodes  
Roark  
Roberts  
Sallas  
Senterfitt  
Smith of Bastrop

Spacek  
Stanford  
Stinson  
Vale  
Walters  
Wattner

## Nays—56

Allen	Kelly
Bell	Kinard
Benton	Lansberry
Brown	Leyendecker
Bruhl	Lock
Bundy	McAlister
Carlton	McCann
Cato	McDonald
Cleveland	McGlasson
Coker	Manford
Colson, Mrs.	Manning
Dickson of Bexar	Martin
Dove	Moore
Duckett	Morgan
Dwyer	Morris
Ellis	Phillips
Eubank	Simpson
Evans	Skiles
Files	Smith of Atascosa
Fuchs	Stubbs
Garland	Taylor
Halsey	Thornton
Hargis	Turner
Harris of Dallas	Voigt
Harris of Hill	Weatherford
Heflin	White
Isaacks	Whitesides
Jones	Winfree

## Absent

Allison	Deen
Brawner	Hardeman
Bray	Hartzog
Bullock	Howard
Burnaman	Shell
Celaya	Spangler
Connelly	

## Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

## TO PROVIDE FOR CERTAIN RECESS PERIOD

Mr. Montgomery offered the following resolution:

H. C. R. No. 202, To Provide for Certain Recess Period.

Be it resolved by the House of Representatives of the 47th Legisla-

ture, the Senate concurring, That the House and the Senate recess from Thursday, June 12, 1941, until 10:00 a. m. Monday, June 30, A. D., 1941.

The resolution was read second time.

Mr. Hartzog offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 202 by adding at the proper place the following language:

"Provided, however, that on June 30th if a quorum is not present in either house the presiding officers of each house shall be empowered to declare the session adjourned sine die."

Mr. Alsup raised a point of order on further consideration of the amendment at this time, on the ground that the amendment violates certain Constitutional provisions.

The Speaker sustained the point of order.

Mr. Isaacks offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 202 by adding the following:

"Be it further resolved, That during said period of recess the Members of the Legislature shall draw no per diem for their services and that all employees of both branches of the Legislature be discharged from service, and that the elective officers of the House and Senate be allowed no compensation during such recess except such officers and employees as the President of the Senate and the Speaker of the House find necessary to retain."

The amendment was adopted.

Mr. Hughes moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—56

Avant  
Bailey

Baker  
Bray

Burkett  
Chambers  
Clark  
Craig  
Crosthwait  
Daniel  
Davis  
Deen  
Dickson of Nolan  
Favors  
Fitzgerald  
Fuchs  
Gandy  
Goodman  
Hanna  
Hardeman  
Helpinstill  
Henderson  
Hileman  
Hobbs  
Hoyo  
Huddleston  
Hughes  
Humphrey  
Kennedy  
King

Knight  
Love  
Lowry  
Lucas  
Lyle  
McMurry  
Matthews  
Morgan  
Murray  
Pace  
Parker  
Pevehouse  
Price  
Rampy  
Reed of Bowie  
Reed of Dallas  
Ridgeway  
Rhodes  
Roark  
Roberts  
Sallas  
Spacek  
Stinson  
Thornton  
Vale  
Walters

Nays—73

Allen  
Allison  
Alsup  
Bean  
Bell  
Benton  
Brown  
Bruhl  
Bundy  
Burnaman  
Carlton  
Carrington  
Cato  
Cleveland  
Coker  
Colson, Mrs.  
Connelly  
Dickson of Bexar  
Donald  
Dove  
Duckett  
Dwyer  
Ellis  
Eubank  
Evans  
Ferguson  
Files  
Garland  
Gilmer  
Halsey  
Hargis  
Harris of Dallas  
Harris of Hill  
Heffin

Howington  
Hutchinson  
Isaacks  
Jones  
Kelly  
Kinard  
Klingeman  
Lansberry  
Lehman  
Leyendecker  
Lock  
McAlister  
McCann  
McDonald  
McGlasson  
McLellan  
Manford  
Manning  
Markle  
Martin  
Montgomery  
Moore  
Morris  
Phillips  
Senterfitt  
Simpson  
Skiles  
Smith of Bastrop  
Smith of Atascosa  
Stanford  
Stubbs  
Taylor  
Turner  
Voigt

Wattner  
Weatherford  
White

Whitesides  
Winfree

## Absent

Brawner  
Bridgers  
Bullock  
Celaya  
Crossley  
Hartzog

Howard  
Little  
McNamara  
Shell  
Spangler

## Absent—Excused

Blankenship  
Boone  
Huffman  
Kersey

Mills  
Morse  
Nicholson  
Sharpe

Mr. Morris moved the previous question on the resolution, as amended, and the main question was ordered.

Question recurring on the resolution, as amended, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 70; nays, 62.

A verification of the vote was requested.

Mr. McGlasson moved to dispense with the verification.

The motion was lost.

Mr. Sallas moved a call of the House pending the verification and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

## Yeas—69

Allen  
Allison  
Alsup  
Bell  
Benton  
Brown  
Bruhl  
Bundy  
Burnaman  
Carlton  
Carrington  
Cato  
Clark  
Cleveland  
Coker

Colson, Mrs.  
Connelly  
Dickson of Bexar  
Donald  
Dove  
Duckett  
Dwyer  
Ellis  
Eubank  
Files  
Garland  
Gilmer  
Halsey  
Hargis  
Harris of Dallas

Harris of Hill  
Hartzog  
Heflin  
Hutchinson  
Isaacks  
Jones  
Kelly  
Kinard  
Klingeman  
Lansberry  
Lehman  
Leyendecker  
McAlister  
McCann  
McDonald  
McGlasson  
McLellan  
Manford  
Manning  
Markle

Martin  
Montgomery  
Moore  
Morris  
Phillips  
Senterfitt  
Simpson  
Skiles  
Smith of Atascosa  
Stanford  
Stubbs  
Taylor  
Turner  
Voigt  
Wattner  
Weatherford  
White  
Whitesides  
Winfree

## Nays—63

Avant  
Bailey  
Baker  
Bray  
Burkett  
Celaya  
Chambers  
Craig  
Crossley  
Crosthwait  
Daniel  
Davis  
Deen  
Dickson of Nolan  
Evans  
Favors  
Ferguson  
Fitzgerald  
Fuchs  
Gandy  
Goodman  
Hanna  
Hardeman  
Helpinstill  
Henderson  
Hileman  
Hobbs  
Howington  
Hoyo  
Huddleston  
Hughes  
Humphrey

Kennedy  
King  
Knight  
Lock  
Love  
Lowry  
Lucas  
Lyle  
McMurry  
McNamara  
Matthews  
Morgan  
Murray  
Pace  
Parker  
Pevehouse  
Price  
Rampy  
Reed of Bowie  
Reed of Dallas  
Ridgeway  
Rhodes  
Roark  
Roberts  
Sallas  
Smith of Bastrop  
Spacek  
Stinson  
Thornton  
Vale  
Walters

## Absent

Bean  
Brawner  
Bridgers  
Bullock

Howard  
Little  
Shell  
Spangler

## Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

The Speaker announced that the resolution by Mr. Montgomery was adopted.

TO PROVIDE FOR ADJOURNMENT  
SINE DIE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 74, To Provide for Adjournment Sine Die.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Regular Session of the 47th Legislature of the State of Texas do stand adjourned sine die on Saturday, June 7, 1941, at 12:00 o'clock noon.

The resolution was read second time.

Mr. Manning moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—70

Allison	Duckett
Bell	Dwyer
Benton	Ellis
Bray	Evans
Bridgers	Files
Brown	Fuchs
Bruhl	Hargis
Bundy	Harris of Dallas
Burnaman	Harris of Hill
Carlton	Heflin
Carrington	Henderson
Cato	Hutchinson
Celaya	Isaacks
Clark	Jones
Cleveland	Kelly
Coker	Klingeman
Colson, Mrs.	Lansberry
Connelly	Leyendecker
Dickson of Bexar	Little
Donald	Love
Dove	Lowry

McAlister	Simpson
McGlasson	Skiles
McLellan	Smith of Bastrop
McNamara	Spacek
Manning	Spangler
Markle	Stanford
Martin	Stubbs
Montgomery	Thornton
Moore	Voigt
Morris	Wattner
Murray	Weatherford
Phillips	White
Rhodes	Whitesides
Roark	Winfree

## Nays—61

Allen	Kennedy
Alsup	Kinard
Avant	King
Bailey	Knight
Baker	Lehman
Burkett	Lucas
Chambers	Lyle
Craig	McCann
Crosthwait	McDonald
Daniel	McMurry
Davis	Manford
Deen	Matthews
Dickson of Nolan	Morgan
Eubank	Pace
Favors	Parker
Ferguson	Pevehouse
Fitzgerald	Price
Gandy	Rampy
Gilmer	Reed of Bowie
Goodman	Reed of Dallas
Halsey	Ridgeway
Hanna	Roberts
Hardeman	Sallas
Helpinstill	Senterfitt
Hileman	Smith of Atascosa
Hobbs	Stinson
Howington	Taylor
Hoyo	Turner
Huddleston	Vale
Hughes	Walters
Humphrey	

## Absent

Bean	Hartzog
Brawner	Howard
Bullock	Lock
Crossley	Shell
Garland	

## Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

**ADOPTION OF CONFERENCE  
COMMITTEE REPORT ON  
HOUSE BILL NO. 29**

Mr. Chambers submitted the following Conference Committee Report on House Bill No. 29:

Austin, Texas, June 2, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 29, have met and beg leave to recommend that House Bill No. 29 be passed in the form hereto attached.

Respectfully submitted,

SULAK,  
FORMBY,  
CHADICK,  
METCALFE,  
MOFFETT,

On the part of the Senate.

FUCHS,  
CHAMBERS,  
DONALD,  
CARRINGTON,  
HOYO,

On the part of the House.

By Mr. Fuchs and Mr. Chambers:  
H. B. No. 29,

**A BILL**

**To Be Entitled**

An Act to amend Article 1037, of the Revised Criminal Statutes of Texas of 1925, as amended by Senate Bill No. 222, Chapter 303, Acts of the Forty-first Legislature, Regular Session, relating to weights and measures; prohibiting the sale, use, or possession of false weights, measures, or weighing or measuring devices and weights, measures, or weighing or measuring devices which have not been sealed by a weights and measures official; prohibiting the sale and use of devices which have been condemned for repairs; prohibiting the sale of commodities contrary to law; requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and mark-

ing of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; requiring the name and address of manufacturer, packer, or distributor on packages; providing for certain variations in weight; prohibiting deceptive pack; providing for standard of fill of containers; providing standards for the sale of milk, cheese, meat and meat food products, including poultry; prohibiting misrepresentation of price or quantity of commodity, thing, or service; providing for establishment of rules and regulations, including certain exemptions; defining certain terms; providing penalties for the enforcement of the Act; repealing laws in conflict; including a saving clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 1037 of the Revised Criminal Statutes of the State of Texas of 1925, as amended by Senate Bill No. 222, Chapter 303, Acts of the Forty-first Legislature, Regular Session, be and the same is hereby amended to read as follows:

"Article 1037. Any person who, by himself or by his servant or agent, or as the servant or agent of another person, shall offer or expose for sale, sell, use in the buying or selling of any commodity or thing, or for hire or award, or in the computation of any charge for services rendered on the basis of weight or measure, or in the determination of weight or measure when a charge is made for such determination, or retain in his possession, a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by the Commissioner, or his deputy, or inspectors, or by a sealer or deputy sealer of weights and measures within one year, or shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law; or who shall sell or offer or expose for sale less than the quantity he represents of any commodity, thing, or service, or shall take or attempt to take more than

the quantity he represents, when, as the buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of any commodity, thing, or service is determined; or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to or calculated to falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Twenty Dollars (\$20) or more than One Hundred Dollars (\$100), upon a first conviction in any court of competent jurisdiction; and upon a second or subsequent conviction in any court of competent jurisdiction he shall be punished by a fine of not less than Fifty Dollars (\$50) or more than Two Hundred Dollars (\$200).

"Sec. A. The word 'person' as used in this chapter shall be construed to include any individual and all officers, directors, managers, employees, and other agents of all corporations, companies, partnerships, societies and associations, and such is the legislative intent.

"The words 'weights, measures or (and) weighing or (and) measuring devices' as used in this chapter, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

"The words 'sell' or 'sale' as used in this Chapter, shall be construed to include barter and exchange.

"The term 'false weight or measure, or (and) weighing or measuring device' as used in this chapter, shall be construed to mean any weight or measure or weighing or measuring device which does not conform as closely as practicable to the official standards, which is not accurate, which is of such construction that it is not reasonably permanent in its adjustment or will not correctly repeat its indications, which facilitates the perpetration of fraud, or which does not conform to the requirements of the Statutes of this State

and of the specifications and tolerances promulgated by the Commissioner under authority of Article 5714, Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, as amended.

"Sec. B. It shall be unlawful to sell, except for immediate consumption on the premises, liquid commodities in any other manner than by liquid measure, or commodities not liquid in any other manner than by measure of length, by weight, or by numerical count; provided, however, that liquid commodities may be sold by weight if there exists a general consumer usage to express the quantity of such commodities by weight and such expression gives accurate information as to the quantity thereof; and that nothing in this Section shall be construed to prevent the sale of fruits, vegetables, and other dry commodities in the standard barrel or by other methods provided for by State or Federal law; or of berries and small fruits in boxes as provided for in the provisions of other articles of the statutes; or of vegetables or fruits usually sold by the head or bunch in this manner; provided further, that nothing in this Section shall be construed to apply to commodities put up in original packages.

"For the purposes of this Section the term 'original package' shall be construed to include a commodity in a package, carton, case, can, barrel, bottle, box, phial, or other receptacle, or in coverings, or wrappings of any kind, put up by the manufacturer, which may be labeled, branded, or stenciled, or otherwise marked, or which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The words 'original package' shall be construed to include both the wholesale and the retail package.

"For the purposes of this Section the term 'commodities not liquid' shall be construed to include goods, wares, and merchandise, which are not in liquid form and which have heretofore been sold by measure of length, by weight, by measure of capacity, or by numerical count, or which are susceptible of sale in any of these ways.

"Sec. C. (1) It shall be unlawful



to keep for the purpose of sale, offer or expose for sale, or sell, any commodity in package form unless (a) the net quantity of contents, in terms of weight, measure, or numerical count; and (b) the name and place of business of the manufacturer, packer, or distributor shall be plainly and conspicuously marked on the outside of the package; provided, however, that under clause (a) of this Section reasonable variations or tolerances shall be permitted, and exemptions as to small packages shall be made; and that under clause (b) of this Section exemptions as to packages sold on the premises where packed shall be made; and provided further, that this Section shall not be construed to apply to those commodities in package form, the manner of sale of which is specifically regulated by the provisions of other articles of the statutes, or to bales of cotton; and that reasonable rules and regulations for the efficient enforcement of this Act, not inconsistent herewith, and including the reasonable variations or tolerances and the exemptions prescribed herein, shall be made by the Commissioner.

"(2) It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form if its container is so made, formed, or filled, or if it is so wrapped, as to mislead the purchaser as to the quantity of the contents, or if the contents of its container fall below the standard of fill prescribed by regulations promulgated as provided in this Section. For the effectuation of the purposes of this Section the Commissioner is hereby authorized to promulgate regulations fixing and establishing for any commodity in package form a standard of fill of container, which in his best judgment is reasonable with respect to the physical characteristics of the commodity, the size, shape, and physical characteristics of the container, prevailing methods of handling and transportation of packages, and generally accepted good commercial practice in filling methods; provided, however, that reasonable variations or tolerances shall be permitted, and that these reasonable variations or tolerances shall be estab-

lished by regulations made by the Commissioner.

"(3) The words 'in package form' as used in this Chapter, shall be construed to include a commodity in package, carton, case, can, box, bag, barrel, bottle, phial, or on a spool or similar holder, or in a container or band, or in a roll, ball, coil, skein, or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, or when put up prior to the order of the commodity, by the vendor, which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The words 'in package form' shall be construed to include both the wholesale and the retail package; provided, however, that a box or carton used for shipping purposes containing a number of packages which are individually marked, as hereinbefore provided, will not be required to bear the weight or measure of the contents thereof, nor the name and place of business of the manufacturer, packer or distributor; and provided further, that the words 'in package form' shall not be construed to include paper stationery in tablet form.

"Sec. D. It shall be unlawful for any person to keep for the purpose of sale, offer or expose for sale, or sell, any milk or cream in bottles or other containers of any capacity other than those provided for measures of capacity for liquid in Article 5732, Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, to wit, the gallon, a multiple of the gallon, one-half gallon, quart, pint, one-half pint, and gill.

"Sec. E. It shall be unlawful for any person to keep for the purpose of sale, offer or expose for sale, or sell, except for immediate consumption on the premises, any cheese, meat, or meat food products otherwise than by standard net weight; provided, however, that any cheese, meat, or meat food products, in package form, shall comply with the requirements of Section C of this Article. For the purposes of this Section the following shall be deemed to be meat and meat food products: All fresh, cured, or salt meats, fish, poultry, sausage, chili, head cheese, souse meat, loaf meat, boneless

meat, shredded meat, hamburger meat, or any other manufactured, prepared, or processed meat or meat food products. This Section shall be construed to require that all poultry sold by live weight shall be weighed alive at the time of sale, and that any poultry dressed or killed prior to time of sale, whether cooked or uncooked, shall be sold by net weight at time of sale and not by live weight or by the piece.

"The word 'poultry' as used in this Section shall be construed to include turkeys, chickens, ducks, geese, guineas, squabs, and all other domesticated fowls.

"Sec. F. Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this Chapter, it shall be understood and construed to mean the net weight of the commodity.

"Sec. G. It shall be unlawful for any person to misrepresent the price of a commodity, thing, or service sold or offered or exposed for sale, or to represent the price or the quantity of any commodity, thing, or service sold or offered or exposed for sale in any manner calculated or tending to mislead or deceive an actual or prospective customer. Whenever any price sign, tag, card, poster, or other advertisement displaying the price of any commodity or thing, includes a whole number and a fraction, the figures in the fraction shall be of proportionate size and legibility with those of the whole number.

"Sec. H. There shall be no violation under this Act for any discrepancy between actual weight or volume at the time of sale to the consumer and the weight marked on the container or between the fill of container and the capacity of the container if such discrepancy is due to unavoidable leakage, shrinkage, evaporation, waste or to causes beyond the control of the seller acting in good faith.

"Sec. I. Any person who shall violate any provisions of this Act,

or any of the reasonable rules and regulations promulgated hereunder, for which a specific penalty has not been provided, shall be guilty of misdemeanor, and shall be punished by a fine of not less than Twenty Dollars (\$20) or more than One Hundred Dollars (\$100) upon a first conviction in any court of competent jurisdiction; and upon a second or subsequent conviction in any court of competent jurisdiction shall be punished by a fine of not less than Fifty Dollars (\$50) or more than Two Hundred Dollars (\$200).

Sec. 2. If any Article, Section, provision, subdivision or part of this Act should be held invalid for any reason, it is the legislative intent that the remainder of the Act shall remain in full force and effect.

Sec. 3. House Bill No. 110, Chapter 53, Acts of the Third Called Session of the Thirty-eighth Legislature, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Sec. 4. The fact that many commodities are being sold in this State in package form without the net quantity of contents being marked thereon, and the further fact of the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Chambers, the report was adopted by the following vote:

Yeas—112

Allen	Burkett
Allison	Burnaman
Alsup	Carlton
Avant	Carrington
Baker	Cato
Bean	Celaya
Bell	Chambers
Benton	Clark
Brawner	Cleveland
Bray	Coker
Bridgers	Colson, Mrs.
Brown	Connelly
Bruhl	Crossley
Bundy	Crosthwait

Daniel	Little
Davis	Lock
Dickson of Bexar	Love
Dickson of Nolan	Lowry
Donald	Lucas
Dove	Lyle
Duckett	McAlister
Dwyer	McCann
Ellis	McDonald
Eubank	McGlasson
Evans	McLellan
Ferguson	Manning
Files	Markle
Fitzgerald	Martin
Fuchs	Matthews
Gandy	Montgomery
Garland	Moore
Gilmer	Morris
Goodman	Murray
Halsey	Pace
Hanna	Pevehouse
Hardeman	Price
Hargis	Reed of Dallas
Harris of Dallas	Ridgeway
Hartzog	Rhodes
Heflin	Roark
Helpinstill	Sallas
Henderson	Senterfitt
Hileman	Simpson
Howington	Skiles
Hoyo	Smith of Bastrop
Huddleston	Smith of Atascosa
Hughes	Stanford
Hutchinson	Stinson
Kelly	Stubbs
Kennedy	Taylor
Kinard	Turner
Klingeman	Vale
Knight	Weatherford
Lansberry	White
Lehman	Whitesides
Leyendecker	Winfree

## Nays—16

Bailey	Manford
Craig	Phillips
Favors	Rampy
Harris of Hill	Reed of Bowie
Humphrey	Roberts
Jones	Spacek
King	Thornton
McNamara	Wattner

## Absent

Bullock	Morgan
Deen	Parker
Hobbs	Shell
Howard	Spangler
Isaacks	Voigt
McMurry	Walters

## Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

## REQUEST OF SENATE GRANTED

On motion of Mr. Stinson, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Concurrent Resolution No. 66.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Concurrent Resolution No. 66:

Messrs. Stinson, Carrington, Heflin, Skiles and Hughes.

HOUSE BILL NO. 965 WITH  
SENATE AMENDMENTS

Mr. Taylor called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 965, A bill to be entitled "An Act making it unlawful for any person, not a member of the Texas Defense Guard, to wear the shoulder patch, the arm brassard, or the collar ornaments duly prescribed as part of the uniform of said Defense Guard, or any imitation of said articles; also making it unlawful for any member of said Defense Guard to purchase or have in his possession such articles of uniform, or any imitation thereof, unless they are purchased through or on approval of the Adjutant General of Texas; also making it unlawful for any person to sell, offer for sale, dispose of, or purchase any such articles except when and as authorized under regulations prescribed by the Governor; also providing the punishment for offenses against such provisions; and declaring an emergency."

On motion of Mr. Taylor, the House concurred in the Senate amendments by the following vote:

## Yeas—122

Allen	Avant
Allison	Bailey
Alsup	Baker

Bell	Kinard
Benton	Klingeman
Brawner	Knight
Bray	Lansberry
Bridgers	Lehman
Brown	Leyendecker
Bruhl	Little
Bundy	Lock
Burkett	Love
Burnaman	Lowry
Carrington	Lucas
Cato	Lyle
Celaya	McCann
Chambers	McDonald
Clark	McGlasson
Cleveland	McMurry
Coker	McNamara
Colson, Mrs.	Manford
Connelly	Manning
Craig	Markle
Crossley	Martin
Crosthwait	Matthews
Daniel	Montgomery
Davis	Moore
Dickson of Bexar	Morgan
Dickson of Nolan	Morris
Donald	Murray
Dove	Pace
Duckett	Parker
Ellis	Pevehouse
Evans	Phillips
Ferguson	Price
Files	Rampy
Fitzgerald	Reed of Bowie
Fuchs	Reed of Dallas
Gandy	Ridgeway
Garland	Rhodes
Gilmer	Roark
Halsey	Roberts
Hanna	Sallas
Hardeman	Senterfitt
Hargis	Shell
Harris of Dallas	Simpson
Harris of Hill	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Spacek
Helpinstill	Stinson
Henderson	Stubbs
Hileman	Taylor
Howington	Thornton
Hoyo	Vale
Huddleston	Voigt
Hughes	Walters
Humphrey	Wattner
Hutchinson	Weatherford
Jones	White
Kelly	Whitesides
Kennedy	Winfree

**Absent**

Bean	Deen
Bullock	Dwyer
Carlton	Eubank

Favors	McAlister
Goodman	McLellan
Hobbs	Skiles
Howard	Spangler
Isaacks	Stanford
King	Turner

**Absent—Excused**

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

**MESSAGE FROM THE SENATE**

Austin, Texas, June 4, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts 1935, Forty-fourth Legislature, Regular Session, as amended by Section 1 of Chapter 15 of Acts 1937, Forty-fifth Legislature, Regular Session, as amended by Section 1 of House Bill No. 851, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency." (With amendments.)

H. B. No. 963, A bill to be entitled "An Act appropriating out of the State General Fund the sum of One Thousand Dollars (\$1,000) to the Eddins Common School District No. 62, Shelby County, Texas, etc.; and declaring an emergency." (With amendments.)

H. B. No. 1020, A bill to be entitled "An Act creating a Firemen's Relief and Retirement Fund in certain cities, etc.; and declaring an emergency."

H. B. No. 1074, A bill to be entitled "An Act to amend Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 9, Chapter 282, Acts of the Forty-second Legislature, Regular Session, prescribing the rate and speed of motor or other vehicles upon the public highways of Texas and within the corporate limits of an incorporated city or town, and within any town or vil-

lage not incorporated, etc.; and declaring an emergency."

The Senate has adopted the Conference Committee report on Senate Bill No. 22 by the following vote: Yeas, 31; nays, 0.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### HOUSE BILL NO. 199 WITH SENATE AMENDMENTS

Mr. McNamara called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts 1931, Forty-fourth Legislature, Regular Session, as amended by Section 1, Chapter 15 of Acts 1937, Forty-fifth Legislature, Regular Session, as amended by Section 1 of House Bill No. 831, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency."

Mr. McNamara moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

Mr. Reed of Bowie moved as a substitute motion that the House concur in Senate amendments to House Bill No. 199.

Mr. McAlister moved to table the substitute motion by Mr. Reed of Bowie.

The motion to table prevailed.

Question recurring on the motion by Mr. McNamara, that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill, the motion prevailed.

Mr. Taylor moved to reconsider the vote by which the motion prevailed, and to table the motion to reconsider.

The motion to table prevailed.

#### ADDITIONAL SIGNER OF HOUSE BILL

By unanimous consent of the House, the following Member was authorized to sign bill as coauthor of same, as follows:

Mr. Lowry: House Bill No. 703.

#### TO SUSPEND JOINT RULES

Mr. Lowry offered the following resolution:

H. C. R. No. 208, To suspend Joint Rules to consider House Bill No. 22.

Resolved by the House, the Senate concurring, That the Joint Rules of the House and Senate be suspended June 5, 1941, in order to take up out of its regular order House Bill No. 22.

The resolution was read second time.

Question recurring on the resolution, it was lost.

Mr. Kinard moved to reconsider the vote by which the resolution failed of adoption.

The motion to reconsider was lost.

#### SUSPENDING JOINT RULES

Mr. Bridgers offered the following resolution:

H. C. R. No. 206, Suspending Joint Rules to consider House Bill No. 55.

Be it resolved, by the House of Representatives, the Senate concurring, That the Joint Rules be suspended in order that the House may consider House Bill No. 55 (the Textbook Bill), on Friday, June 6, 1941, or any other Senate day.

BRIDGERS,  
EVANS.

The resolution was read second time and was adopted.

#### TO SUSPEND JOINT RULES

Mr. Evans offered the following resolution:

H. C. R. No. 204, To suspend Joint Rules to consider House Bill No. 512.

Be it resolved by the House of Representatives, the Senate concurring, That the Joint Rules be suspended in order that the House may

consider House Bill No. 512, on Thursday, June 5, 1941, or Friday, June 6, 1941.

The resolution was read second time.

Question recurring on the resolution, it was lost.

# SENATE BILL NO. 494 ON SECOND READING

Mr. Gilmer moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 494 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—118

Allen	Fuchs
Allison	Garland
Alsup	Gilmer
Avant	Halsey
Bailey	Hanna
Baker	Hardeman
Bean	Harris of Dallas
Bell	Harris of Hill
Benton	Hartzog
Brawner	Helpinstill
Bray	Henderson
Brown	Hileman
Burkett	Hobbs
Burnaman	Howard
Carlton	Howington
Carrington	Hoyo
Cato	Huddleston
Celaya	Hughes
Chambers	Humphrey
Clark	Hutchinson
Cleveland	Isaacks
Coker	Jones
Colson, Mrs.	Kelly
Connelly	Kennedy
Craig	Kinard
Crossley	King
Crosthwait	Klingeman
Daniel	Knight
Davis	Lansberry
Dickson of Bexar	Lehman
Donald	Leyendecker
Duckett	Lock
Dwyer	Love
Ellis	Lowry
Eubank	Lucas
Evans	Lyle
Favors	McAlister
Ferguson	McCann
Fitzgerald	McGlasson

McNamara	Roberts
Manford	Sallas
Manning	Senterfitt
Markle	Shell
Matthews	Simpson
Montgomery	Skiles
Moore	Smith of Bastrop
Morgan	Smith of Atascosa
Morris	Spacek
Murray	Stinson
Pace	Taylor
Parker	Thornton
Phillips	Vale
Price	Voigt
Rampy	Walters
Reed of Bowie	Wattner
Reed of Dallas	Weatherford
Ridgeway	White
Rhodes	Whitesides
Roark	Winfree

Nays—1

McLellan

## Absent

Bridgers	Heflin
Bruhl	Little
Bullock	McDonald
Bundy	McMurry
Deen	Martin
Dickson of Nolan	Pevehouse
Dove	Spangler
Files	Stanford
Gandy	Stubbs
Goodman	Turner
Hargis	

## Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 494, A bill to be entitled "An Act amending Article 1738 of the Revised Civil Statutes of 1925, providing for the transfer by the Supreme Court of cases from one Court of Civil Appeals to another; and declaring an emergency."

The bill was read second time and was passed to third reading.

# SENATE BILL NO. 494 ON THIRD READING

The Speaker then laid Senate Bill

No. 494 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—118

Alsup	Hughes
Avant	Humphrey
Bailey	Hutchinson
Baker	Isaacks
Bean	Jones
Bell	Kelly
Benton	Kennedy
Allen	Kinard
Allison	King
Brawner	Klingeman
Bray	Knight
Brown	Lansberry
Burkett	Lehman
Burnaman	Leyendecker
Carlton	Lock
Carrington	Love
Cato	Lowry
Celaya	Lucas
Chambers	Lyle
Clark	McAlister
Cleveland	McCann
Coker	McGlasson
Colson, Mrs.	McNamara
Connelly	Manford
Craig	Manning
Crossley	Markle
Crosthwait	Matthews
Daniel	Montgomery
Davis	Moore
Dickson of Bexar	Morgan
Donald	Morris
Duckett	Murray
Dwyer	Pace
Ellis	Parker
Eubank	Phillips
Evans	Price
Favors	Rampy
Ferguson	Reed of Bowie
Fitzgerald	Reed of Dallas
Fuchs	Ridgeway
Garland	Rhodes
Gilmer	Roark
Halsey	Roberts
Hanna	Sallas
Hardeman	Senterfitt
Harris of Dallas	Shell
Harris of Hill	Simpson
Hartzog	Skiles
Helpinstill	Smith of Bastrop
Henderson	Smith of Atascosa
Hileman	Spacek
Hobbs	Stinson
Howard	Taylor
Howington	Thornton
Hoyo	Vale
Huddleston	Voigt

Walters  
Wattner  
Weatherford

White  
Whitesides  
Winfree

Nays—1

McLellan

Absent

Bridgers	Heflin
Bruhl	Little
Bullock	McDonald
Bundy	McMurry
Deen	Martin
Dickson of Nolan	Pevehouse
Dove	Spangler
Files	Stanford
Gandy	Stubbs
Goodman	Turner
Hargis	

Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

ADOPTION OF CONFERENCE  
COMMITTEE REPORT ON  
SENATE BILL NO. 22

Mr. Ridgeway submitted the following Conference Committee report on Senate Bill No. 22:

Austin, Texas, June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on Senate Bill No. 22, have met and beg leave to recommend that said Senate Bill No. 22 be passed in the form hereto attached.

Respectfully submitted,

HANNA,  
DWYER,  
HOYO,  
STINSON,  
RIDGEWAY,

On the part of the House.

MOORE,  
WEINERT,  
GRAVES,  
FAIN,  
SPEARS,

On the part of the Senate.

By Senator Spears:

S. B. No. 22,

**A BILL**

**To Be Entitled**

An Act providing for the compensation of grand jury bailiffs in counties having a population of not less than two hundred fifty thousand (250,000) inhabitants and not more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census; repealing all laws or parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. The judges of the Criminal District Courts in any county having a population of not less than two hundred fifty thousand (250,000) inhabitants and not more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census shall appoint grand jury bailiffs, not exceeding seven (7), whose compensation shall be Twenty-five Hundred Twenty Dollars (\$2,520.00) per annum, each; such compensation to be paid out of the general fund or jury fund in twelve (12) equal monthly installments.

Bailiffs thus appointed are subject to removal without cause at the will of the judge (or judges if there be more than one) of any such Criminal District Court.

Sec. 2. All laws or parts of laws in conflict with this Act are repealed hereby to the extent of such conflict only.

Sec. 3. The crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be, and the same is, hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Ridgeway, the report was adopted by the following vote:

**Yeas—122**

Allen	Humphrey
Allison	Hutchinson
Alsup	Isaacks
Avant	Jones
Bailey	Kelly
Baker	Kennedy
Bell	Kinard
Benton	Klingeman
Bray	Knight
Bridgers	Lansberry
Brown	Lehman
Bundy	Leyendecker
Burkett	Little
Burnaman	Lock
Carlton	Love
Carrington	Lowry
Cato	Lucas
Celaya	Lyle
Chambers	McAlister
Clark	McCann
Cleveland	McDonald
Coker	McGlasson
Colson, Mrs.	McLellan
Connelly	McNamara
Craig	Manford
Crossley	Manning
Crosthwait	Markle
Daniel	Martin
Davis	Matthews
Donald	Moore
Dove	Morgan
Duckett	Morris
Dwyer	Murray
Ellis	Pace
Eubank	Parker
Evans	Phillips
Favors	Price
Ferguson	Rampy
Files	Reed of Bowie
Fitzgerald	Reed of Dallas
Fuchs	Ridgeway
Garland	Rhodes
Gilmer	Roberts
Halsey	Sallas
Hanna	Senterfitt
Hardeman	Shell
Hargis	Simpson
Harris of Dallas	Skiles
Harris of Hill	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Spacek
Helpinstill	Stanford
Henderson	Stubbs
Hileman	Taylor
Hobbs	Thornton
Howard	Vale
Hoyo	Voigt
Huddleston	Walters
Hughes	Wattner



Weatherford Whitesides  
White Winfree

Present—Not Voting

Dickson of Bexar Roark

Absent

Bean Howington  
Brawner King  
Bruhl McMurry  
Bullock Montgomery  
Deen Pevehouse  
Dickson of Nolan Spangler  
Gandy Stinson  
Goodman Turner

Absent—Excused

Blankenship Mills  
Boone Morse  
Huffman Nicholson  
Kersey Sharpe

#### HOUSE BILL NO. 515 WITH SEN- ATE AMENDMENTS

Mr. Hardeman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 515, A bill to be entitled "An Act applicable to the County of Tom Green, State of Texas, prohibiting the transportation of minnows beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the limits of said county; prohibiting the use of trotlines or throwlines containing more than twenty-five (25) hooks; limiting the use of such lines to a maximum of two such lines to any person or group of persons; providing for a closed season on fishing in said county, with certain exceptions; providing legal length of catfish in said county; providing the daily bag limit of catfish; providing penalties for any violation of this Act; and declaring an emergency."

On motion of Mr. Hardeman, the House concurred in the Senate amendments, by the following vote:

Yeas—122

Allen Bailey  
Allison Baker  
Alsup Bell  
Avant Benton

Bray  
Bridgers  
Brown  
Bundy  
Burkett  
Burnaman  
Carlton  
Carrington  
Cato  
Celaya  
Chambers  
Clark  
Cleveland  
Coker  
Colson, Mrs.  
Connelly  
Craig  
Crossley  
Crosthwait  
Daniel  
Davis  
Donald  
Dove  
Duckett  
Dwyer  
Ellis  
Eubank  
Evans  
Favors  
Ferguson  
Files  
Fitzgerald  
Fuchs  
Garland  
Gilmer  
Halsey  
Hanna  
Hardeman  
Hargis  
Harris of Dallas  
Harris of Hill  
Hartzog  
Heflin  
Helpinstill  
Henderson  
Hileman  
Hobbs  
Howard  
Hoyo  
Huddleston  
Hughes  
Humphrey  
Hutchinson  
Isaacks  
Jones  
Kelly  
Kennedy

Kinard  
Klingeman  
Knight  
Lansberry  
Lehman  
Leyendecker  
Little  
Lock  
Love  
Lowry  
Lucas  
Lyle  
McAlister  
McCann  
McDonald  
McGlasson  
McLellan  
McNamara  
Manford  
Manning  
Markle  
Martin  
Matthews  
Moore  
Morgan  
Morris  
Murray  
Pace  
Parker  
Phillips  
Price  
Rampy  
Reed of Bowie  
Reed of Dallas  
Ridgeway  
Rhodes  
Roberts  
Sallas  
Senterfitt  
Shell  
Simpson  
Skiles  
Smith of Bastrop  
Smith of Atascosa  
Spacek  
Stanford  
Stubbs  
Taylor  
Thornton  
Vale  
Voigt  
Walters  
Wattner  
Weatherford  
White  
Whitesides  
Winfree

Present—Not Voting

Dickson of Bexar Roark

Absent

Bean Brawner

Bruhl	King
Bullock	McMurry
Deen	Montgomery
Dickson of Nolan	Pevehouse
Gandy	Spangler
Goodman	Stinson
Howington	Turner

## Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

## HOUSE BILL NO. 871 WITH SENATE AMENDMENTS

Mr. Dickson of Bexar called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 871, A bill to be entitled "An Act granting consent by the State of Texas to Walter Garrison, Burt C. Cromwell and his wife, Lucille Cromwell, their heirs, executors and administrators, to file suit against the State of Texas and/or County of San Patricio and/or State Highway Department of Texas in the District Court of San Patricio County, Texas; and to impose liability on the State of Texas for the negligence of its agents, officers or representatives for damages proximately caused by such negligence to the above named claimants, growing out of an automobile accident on the public highway running from Sinton to Taft, Texas, and providing for process in such suit upon the Attorney General of Texas, and any judgment to be paid out of the State Highway fund and from the moneys received from motor vehicle registration fees; providing further that the invalidity of one part of the Act should not render invalid other provisions; and declaring an emergency."

On motion of Mr. Dickson of Bexar, the House concurred in the Senate amendments, by the following vote:

## Yeas—123

Allen	Baker
Allison	Bell
Alsup	Benton
Avant	Bray
Bailey	Bridgers

Brown	Klingeman
Bundy	Knight
Burkett	Lansberry
Burnaman	Lehman
Carlton	Leyendecker
Carrington	Little
Cato	Lock
Celaya	Love
Chambers	Lowry
Clark	Lucas
Cleveland	Lyle
Coker	McAlister
Colson, Mrs.	McCann
Connelly	McDonald
Craig	McGlasson
Crossley	McLellan
Crothwait	McNamara
Daniel	Manford
Davis	Manning
Dickson of Bexar	Markle
Donald	Martin
Dove	Matthews
Duckett	Moore
Dwyer	Morgan
Ellis	Morris
Eubank	Murray
Evans	Pace
Favors	Parker
Ferguson	Phillips
Files	Price
Fitzgerald	Rampy
Fuchs	Reed of Bowie
Garland	Reed of Dallas
Gilmer	Ridgeway
Halsey	Rhodes
Hanna	Roberts
Hardeman	Sallas
Hargis	Senterfitt
Harris of Dallas	Shell
Harris of Hill	Simpson
Hartzog	Skiles
Heflin	Smith of Bastrop
Helpinstill	Smith of Atascosa
Henderson	Spacek
Hileman	Stanford
Hobbs	Stubbs
Howard	Taylor
Hoyo	Thornton
Huddleston	Vale
Hughes	Voigt
Humphrey	Walters
Hutchinson	Wattner
Isaacks	Weatherford
Jones	White
Kelly	Whitesides
Kennedy	Winfree
Kinard	

## Present—Not Voting

Roark

## Absent

Bean	Bruhl
Brawner	Bullock

Deen	McMurry
Dickson of Nolan	Montgomery
Gandy	Pevehouse
Goodman	Spangler
Howington	Stinson
King	Turner

Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

#### HOUSE CONCURRENT RESOLUTION NO. 92 WITH SENATE AMENDMENTS

Mr. Hoyo called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 92, To grant Mrs. Mamie Scherrer permission to sue the State.

On motion of Mr. Hoyo, the House concurred in the Senate amendments, by the following vote:

Yeas—122

Allen	Duckett
Allison	Dwyer
Alsup	Ellis
Avant	Eubank
Bailey	Evans
Baker	Favors
Bell	Ferguson
Benton	Files
Bray	Fitzgerald
Bridgers	Fuchs
Brown	Garland
Bundy	Gilmer
Burkett	Halsey
Burnaman	Hanna
Carlton	Hardeman
Carrington	Hargis
Cato	Harris of Dallas
Celaya	Harris of Hill
Chambers	Hartzog
Clark	Heflin
Cleveland	Helpinstill
Coker	Henderson
Colson, Mrs.	Hileman
Connelly	Hobbs
Craig	Howard
Crossley	Hoyo
Crosthwait	Huddleston
Daniel	Hughes
Davis	Humphrey
Donald	Hutchinson
Dove	Isaacks

Jones	Pace
Kelly	Parker
Kennedy	Phillips
Kinard	Price
Klingeman	Rampy
Knight	Reed of Bowie
Lansberry	Reed of Dallas
Lehman	Ridgeway
Leyendecker	Rhodes
Little	Roberts
Lock	Sallas
Love	Senterfitt
Lowry	Shell
Lucas	Simpson
Lyle	Skiles
McAlister	Smith of Bastrop
McCann	Smith of Atascosa
McDonald	Spacek
McGlasson	Stanford
McLellan	Stubbs
McNamara	Taylor
Manford	Thornton
Manning	Vale
Markle	Voigt
Martin	Walters
Matthews	Wattner
Moore	Weatherford
Morgan	White
Morris	Whitesides
Murray	Winfree

Present—Not Voting

Dickson of Bexar Roark

Absent

Bean	Howington
Brawner	King
Bruhl	McMurry
Bullock	Montgomery
Deen	Pevehouse
Dickson of Nolan	Spangler
Gandy	Stinson
Goodman	Turner

Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

#### HOUSE CONCURRENT RESOLUTION NO. 128 WITH SENATE AMENDMENTS

Mr. Little called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 128, To grant W. C. and B. H. Kulp permission to sue the State.

On motion of Mr. Little, the House concurred in the Senate amendments, by the following vote:

## Yeas—122

Allen	Huddleston
Allison	Hughes
Alsup	Humphrey
Avant	Hutchinson
Bailey	Isaacks
Baker	Jones
Bell	Kelly
Benton	Kennedy
Bray	Kinard
Bridgers	Klingeman
Brown	Knight
Bundy	Lansberry
Burkett	Lehman
Burnaman	Leyendecker
Carlton	Little
Carrington	Lock
Cato	Love
Celaya	Lowry
Chambers	Lucas
Clark	Lyle
Cleveland	McAlister
Coker	McCann
Colson, Mrs.	McDonald
Connelly	McGlasson
Craig	McLellan
Crossley	McNamara
Crosthwait	Manford
Daniel	Manning
Davis	Markle
Donald	Martin
Dove	Matthews
Duckett	Moore
Dwyer	Morgan
Ellis	Morris
Eubank	Murray
Evans	Pace
Favors	Parker
Ferguson	Phillips
Files	Price
Fitzgerald	Rampy
Fuchs	Reed of Bowie
Garland	Reed of Dallas
Gilmer	Ridgeway
Halsey	Rhodes
Hanna	Roberts
Hardeman	Sallas
Hargis	Senterfitt
Harris of Dallas	Shell
Harris of Hill	Simpson
Hartzog	Skiles
Heflin	Smith of Bastrop
Helpinstill	Smith of Atascosa
Henderson	Spacek
Hileman	Stanford
Hobbs	Stubbs
Howard	Taylor
Hoyo	Thornton

Vale	Weatherford
Voigt	White
Walters	Whitesides
Wattner	Winfree

## Present—Not Voting

Dickson of Bexar	Roark
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## Absent

Bean	Howington
Brawner	King
Bruhl	McMurry
Bullock	Montgomery
Deen	Pevehouse
Dickson of Nolan	Spangler
Gandy	Stinson
Goodman	Turner

## Absent—Excused

Blankenship	Mills
Boone	Morse
Huffman	Nicholson
Kersey	Sharpe

## RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 190, Authorizing certain correction in House Bill No. 360.

H. C. R. No. 185, Authorizing certain correction in House Bill No. 922.

## HOUSE BILL ON FIRST READING

Mr. Stanford asked unanimous consent to introduce at this time and have placed on first reading, House Bill No. 1078.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Stanford:

H. B. No. 1078, A bill to be entitled, "An Act to amend Article 2786, Revised Civil Statutes, 1925, as amended by Chapter 43, General and Special Laws passed by the Forty-first Legislature at its First Called Session, 1929, relating to school district bonds, so as to pro-

vide that the petition, election order, and election notice shall specify the purpose and amount of the bonds; requiring all school district bonds to bear interest at the rate of not more than 5% per annum and to mature serially in consecutive or alternate years; prescribing maximum maturity of said bonds; providing that nothing herein shall be construed to apply to the issuance of any bonds where provisions for their issuance have been made before the passage of this Act; providing that nothing herein shall affect any school district bond election heretofore ordered by proper authority, and authorizing the issuance of such bonds, if voted; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws and parts of laws in conflict; and declaring an emergency."

Referred to the Committee on School Districts.

#### ADJOURNMENT

On motion of Mr. Crosthwait, the House at 6:08 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and resolutions, as follows:

Appropriations: H. B. Nos. 696 and 697.

Education: S. B. No. 486.

School Districts: H. B. No. 1076.

Judiciary and Uniform State Laws: H. B. No. 884; S. B. No. 494.

State Affairs: H. B. No. 1075; S. B. Nos. 103, 175 and 183; H. S. R. No. 311; S. C. R. No. 48.

Insurance: H. B. No. 1073.

The Committee on State Affairs has filed adverse reports on H. B. Nos. 835 and 842.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, June 4, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 203, Providing for suspension of the Joint Rules to permit the Senate to consider Senate Bill No. 268 on House Bill days.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1040, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts in which the State of Texas or its agencies own ten per cent or more in area of the land within the limits or boundaries of said independent school district authorizing said district to levy a tax for school purposes not to exceed One Dollar and Fifty Cents on each One Hundred Dollar valuation of property; limiting the amount of said tax rate which may be levied for bond purchases to a rate not to exceed fifty cents upon each One Hundred Dollar valuation of property; and providing that no tax rate shall be levied in such district except on a vote of the majority of the tax paying qualified voters and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1066, A bill to be entitled "An Act making an appropria-

tion of the sum of One Hundred and Fifty Thousand Dollars (\$150,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 166, Granting Mrs. Woodie Spore permission to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 172, Granting R. W. Dillard and wife permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 191, Declaring the intent of the Legislature with respect to Sections 4 and 10 of House Bill No. 933, Acts of the Forty-sixth Legislature.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

**In Memory of**  
**Judge J. E. Abernathy**

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Mr. Benton offered the following resolution:

H. S. R. No. 321, In Memory of Judge J. E. Abernathy.

Whereas, On the 1st day of June, 1941, Judge J. E. Abernathy, at his home in McKinney, Texas, was called by the Great Creator of the Universe to his final reward; and

Whereas, Judge Abernathy was one of the outstanding citizens of Texas. He was born March 30, 1889; was the son of M. G. Abernathy. He attended the public schools and also Jones Academy and finished his education and law work in the University of Texas; and

Whereas, He served his people very diligently for two terms as Assistant County Attorney of Collin County and then was elected to the office of County Attorney, serving ably and well in that important office. He was serving his third term as County Judge of Collin County at the time of his death, and having no opposition in his last race for this office; and

Whereas, On November 30, 1915, he was married to Miss Emilie Pendergrass, there being three children born to this union. During the World War he was employed in the War Risk Bureau at Washington, D. C.; and

Whereas, The passing of this worthy and esteemed public servant and citizen has left a memory of his many kind deeds, and deep sorrow in the hearts of his beloved family and his innumerable friends. We commend the life he lived, and point to it as an example for the youth of the State of Texas to follow; now, therefore,

Be it resolved, by the House of Representatives, That we hereby express our appreciation for the service that he rendered to his country and that we deeply regret his passing; and

Be it further resolved, That we send copies of this resolution of condolence to his wife and family in their hour of sorrow, and that a copy of the resolution be spread upon the pages of the House Journal of this date and that copies be sent to his wife and children, and when this House adjourns today, that it do so in respect to the memory of Judge J. E. Abernathy of Collin County, Texas.

BENTON,  
MURRAY.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis,

Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Benton, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.